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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,423	09/17/1999	JEFFREY H. STARR	020431.0450	8715

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EXAMINER

KEE, DAVID M

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/397,423

Applicant(s)

STARR ET AL.

Examiner

David Kee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicant's arguments filed 7/11/2002 have been fully considered but they are not deemed to be persuasive.
2. The text of those sections of Title 35, U.S. code not included in this section can be found in a prior Office Action.
3. Claims 1, 8, 14, and 22 remain rejected under 35 U.S.C. § 102(e) as set forth in the prior Office Action.

Claim 1, Applicant's representative states that Huang fails to teach "first visual display comprising a cashflow report providing a net present value of one or more products in the supply chain, each net present value reflecting revenues and expenses associated with a corresponding product according to time periods in which the revenues occur".

The Examiner notes that Huang teaches a system of integrating product, sales, and inventory information into a feasible replenishment plan. In order for the system to integrate all these factors into a single supply chain management plan, the planning subsystem (planning engine) must access and communicate with the overall enterprise model to create a feasible plan (col. 2, line 20 and col. 4, line 51).

The Examiner also notes that Huang teaches a "library of models and routines that are logically linked, regularly updated and maintained. To support the PSI planning process for example, one can then employ an appropriate subset of models and routines from the library to represent the underlying supply chain abstraction and provide decision support. The present invention assembles the models and routines in a flexible manner, as needed by a decision making environment, to enable the DSS 10 to provide customized decision support with a readily upgradable and scalable library" (col. 4, line 52). The calculation of a product's net present value is a calculation commonly used in supply chain management systems when performing corporate valuations. Therefore, it is very likely a function or routine to calculate a product's net present value would be contained within the library of routines taught by Huang.

Therefore, Huang does teach "first visual display comprising a cashflow report providing a net present value of one or more products in the supply chain, each net present value reflecting

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revenues and expenses associated with a corresponding product according to time periods in which the revenues occur”.

Claim 8, Applicant’s representative states that Huang fails to teach “a presentation interface operable to generate a first visual display for selected planning information, the first visual display comprising a profit margin report that indicates, for one or more products associated with a specified resource, a profit margin for each time interval the resource is in use”.

The teachings of Huang are discussed above.

The Examiner notes that Huang teaches the analysis and synthesis of data to “Compute, display (tables and graphs), characterize and analyze sales history per product/product group or customer/customer group (see the MDA Module specification discussion for details of models and formulas): Volatility of demand, Lumpiness of demand, Trends in demand history, Demand pattern changes, and Seasonality. Compute, display (tables and graphs) and analyze sales history statistics for different levels of aggregation: This year vs. last year, Actual sales vs. budget, and Year to date vs. balance of Year” (col. 20, line 15).

Past and future sales data is used extensively in corporate planning. Therefore, the teachings of Huang to calculate and display sales data in table and graph form explicitly address the limitations of Claim 8.

Claim 14, Applicant’s representative states that Huang fails to teach “a first scaled axis in terms of number of units;” a bar associated with a product in the supply chain, “extending from a second axis to a height corresponding to a first position of the first axis, the first position indicating a number of units of the product that could be sold according to customer demand;” and “a marker on the bar corresponding to a second position on the first axis, the second position indicating a number of units of the product allocated for production”

The teachings of Huang are discussed above.

The Examiner notes that Huang teaches “Several analysis tools are available: Trend, Moving average, Pattern changes, Pareto analysis, and correlation between products. The output of these analyses can be displayed in table or in graph” (col. 105, line 33). Huang teaches the use of tables and graphs (which includes bar graphs) to display and analyze supply chain

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management data. The supply and demand type graph described by the applicant is well known in the art of economics and is used extensively when performing market analysis. Therefore, the limitation of Claim 14 is not novel.

Claim 22, Applicant's representative states that Huang fails to teach "first visual display comprising a plant distribution report that includes a bottom panel comprising: a first axis specifying a plurality of locations; a second axis specifying profit margins per hour; and a plurality of icons representing resources in supply chain, each icon positioned relative to the first axis to indicate a location associated with a corresponding resource and relative to the second axis to indicated a profit margin per hour associated with the corresponding resource".

The teachings of Huang are discussed above.

The Examiner notes that Huang teaches "a mechanism that unifies the user dialog and display, the models and analysis routines, and data in a manner that is consistent to support the underlying supply chain abstraction of the user" (col. 11, line 27). In summary, Huang teaches a reporting mechanism that combines the data calculated from a system's routines into a visual display for analysis. This is the exact same concept described by the applicant where a plurality of select locations (selected locations is generated by a routine) is plotted against the profit margins per hour (a calculated routine). Therefore, Huang does teach "first visual display comprising a plant distribution report that includes a bottom panel comprising: a first axis specifying a plurality of locations; a second axis specifying profit margins per hour; and a plurality of icons representing resources in supply chain, each icon positioned relative to the first axis to indicate a location associated with a corresponding resource and relative to the second axis to indicated a profit margin per hour associated with the corresponding resource".

4. Claims 2, 4, 6-7, 9-10, 12-13, 15-18, 20-21, and 23-24 remain rejected based on the prior Office Action.

5. Claims 25-47 are rejected for the following reasons:

- Claim 25 is similar to claim 1 and is rejected based on the prior Office Action.
- Claim 26 is similar to claim 2 and is rejected based on the prior Office Action.

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- Claim 27 is similar to claim 3 and is rejected based on the prior Office Action.
- Claim 28 is similar to claim 4 and is rejected based on the prior Office Action.
- Claim 29 is similar to claim 5 and is rejected based on the prior Office Action.
- Claim 30 is similar to claim 6 and is rejected based on the prior Office Action.
- Claim 31 is similar to claim 7 and is rejected based on the prior Office Action.
- Claim 32 is similar to claim 8 and is rejected based on the prior Office Action.
- Claim 33 is similar to claim 9 and is rejected based on the prior Office Action.
- Claim 34 is similar to claim 10 and is rejected based on the prior Office Action.
- Claim 35 is similar to claim 11 and is rejected based on the prior Office Action.
- Claim 36 is similar to claim 12 and is rejected based on the prior Office Action.
- Claim 37 is similar to claim 13 and is rejected based on the prior Office Action.
- Claim 38 is similar to claims 14 and 15 and is rejected based on the prior Office Action.
- Claim 39 is similar to claim 16 and is rejected based on the prior Office Action.
- Claim 40 is similar to claim 17 and is rejected based on the prior Office Action.
- Claim 41 is similar to claim 18 and is rejected based on the prior Office Action.
- Claim 42 is similar to claim 19 and is rejected based on the prior Office Action.
- Claim 43 is similar to claim 20 and is rejected based on the prior Office Action.
- Claim 44 is similar to claim 21 and is rejected based on the prior Office Action.
- Claim 45 is similar to claim 22 and is rejected based on the prior Office Action.
- Claim 46 is similar to claim 23 and is rejected based on the prior Office Action.
- Claim 47 is similar to claim 24 and is rejected based on the prior Office Action.

6. This action is made final. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

7. A shortened statutory period for response to this final action is set to expire three months from the date of this action. In the event a first response is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the

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three-month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than six months from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to David Kee whose telephone number is (703) 305-5345. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Frantzy Poinvil can be reached at (703) 305-9779.

The fax number or Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

David Kee

September 30, 2002

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
403628